

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2.16 (DEFINITIONS – BEDROOM), 8.1.4 (PARKING - SCOPE OF REGULATIONS), AND 8.3.1(E) (DESIGN STANDARDS – PARKING AREAS) OF BELMONT ZONING ORDINANCE NUMBER 360 FOR SINGLE FAMILY RESIDENTIAL PARKING STANDARDS

WHEREAS, on April 13, 2004 and October 12, 2004, the City Council directed staff to evaluate the thresholds for requiring conforming parking for single family residential projects, and the definition of a “bedroom” for Commission consideration of possible amendments to Sections 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Zoning Ordinance; and,

WHEREAS, on December 7, 2004, January 4, 2005, and February 1, 2005, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports for the zone text amendments, and recommended amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Zoning Ordinance; and,

WHEREAS, on March 8, 2005, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

WHEREAS, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment; and,

WHEREAS, the City Council after consideration of all testimony and reports hereby determines that the proposed amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), and 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance for single family residential parking standards, and the definition of “bedroom” achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive development standards for single family residential projects. These amendments support protecting and promoting the comfort, convenience, and general welfare of the community, advance the goal of providing a precise guide for physical development of the city, and fulfill the General Community Goals and Policies of the General Plan.

WHEREAS, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendments regarding single family residential parking standards, and the definition of “bedroom”, shall be effective for any project submitted after March 8, 2005; and,

WHEREAS, the City Council hereby directs staff to prepare a two-year status report (March 2007) documenting the performance and effectiveness of the aforementioned Belmont Zoning Ordinance amendments; and,

Section 1: NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont that Section 2.16 (Definitions - Bedroom) of the Belmont Zoning Ordinance be hereby amended to read as follows:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Dens, studies, or other rooms which are capable of being used for sleeping quarters that contain a closet, or to which a closet could be added, shall also be considered bedrooms.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 8.1.4 (Parking - Scope of Regulations) of the Belmont Zoning Ordinance be hereby amended to read as follows:

8.1.4 At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure. Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when any of the following occurs:

- 600 or more square feet of gross floor area is added to the dwelling
- Any floor area modification that results in a dwelling becoming 3,000 square feet or larger
- Any floor area modification that results in an increase in the number of bedrooms from three or fewer to four or more
- More than one bedroom is being added to such dwelling unit

Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Belmont that Section 8.3.1(e) (Design Standards – Parking Areas) of the Belmont Zoning Ordinance be hereby amended to read as follows:

8.3.1(e) Minimum Garage Dimension - A garage containing two parking spaces shall have an inside dimension of not less than 20 feet by 20 feet; however, any garage constructed prior to (effective date of this ordinance) having a minimum interior dimension of 17 feet in width by 18 feet in depth shall be considered a legal nonconforming two-car garage for purposes of this Ordinance. Any such dwelling with a 17' X 18' legal nonconforming garage may continue its nonconformity provided the square footage necessary to establish a 20' x 20' garage be reserved from the maximum permitted dwelling floor area for a future garage upgrade.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2005.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2005.

AYES,
COUNCIL MEMBERS: _____

NOES,
COUNCIL MEMBERS: _____

ABSTAIN,
COUNCIL MEMBERS: _____

ABSENT,
COUNCIL MEMBERS: _____

RECUSED,
COUNCIL MEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont